



476070

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KEVIN J. HOPPER*

GEORGE HOPPER (1913-2005)

*ALSO ADMITTED IN KENTUCKY

E.6
3/20/09

March 20, 2009

Ms. Mila V. Bensing
United States Environmental Protection Agency
Region 5
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: 5421 Carthage Avenue
Norwood, Ohio
Section 104(e) Request
My Client: J. Rogers Properties, LLC

Dear Ms. Bensing:

The purpose of this letter is to respond to the request for information dated February 5, 2009, from William D. Messenger, Chief of the Emergency Enforcement Services Section of the United States Environmental Protection Agency-Region 5.

The request for information was directed to my client's corporate counsel, James A. Tomaszewski, Jr., Esq. at Lindhorst & Dreidame. On February 18, 2009, Mr. Tomaszewski forwarded a letter to Mr. Messenger requesting a 30 day extension of time to respond to the request, as this matter was being referred to me as environmental counsel. I am enclosing a copy of the February 18, 2009, correspondence for your reference, which was received by the United States Environmental Protection Agency ("USEPA") on February 23, 2009. I am enclosing a copy of the certified mail return receipt for this February 18, 2009 correspondence.

Property Ownership. As indicated above, my representation is only of J. Rogers Properties, LLC, an Ohio limited liability company. This limited liability company is the owner of a parcel of real estate identified as 651-0002-0242-00 on the Hamilton County, Ohio Auditor's records. This parcel consists of 0.0555 acre that contains a cement block building, which I understand is the subject of the USEPA's investigation. My client's knowledge of this property is limited.

In 1981, the property was purchased by John A. Rogers, Jr. at a Sheriff's sale. From 1981 through December 17, 2007, Mr. Rogers was the sole owner of this property. On December 17, 2007, Mr. Rogers conveyed the property by Quit Claim Deed to a limited liability company

Page 2

established by him as the sole Member, known as J. Rogers Properties, LLC. I am enclosing a copy of this Quit Claim Deed, which is recorded in Official Record Book 10725, page 1984, of the Hamilton County, Ohio Recorder's Office. Mr. Rogers tragically passed away in January of 2008 at age 56, leaving his wife, Marian K. Rogers, and three children. Since the death of Mr. Rogers, his estate is now the owner of the membership units that were issued by J. Rogers Properties, LLC. I am enclosing a copy of the Articles of Organization of J. Rogers Properties, LLC, which I obtained from the website of the Ohio Secretary of State.

Mrs. Rogers has advised me that since the property was purchased by her husband in 1981, it has not been utilized for any commercial purpose. Nothing has been stored at the property, nor has anything been disposed of at the property. The property was never utilized by Mr. Rogers or J. Rogers Properties, LLC for the storage, treatment, disposal, or transportation of any hazardous substances or raw materials.

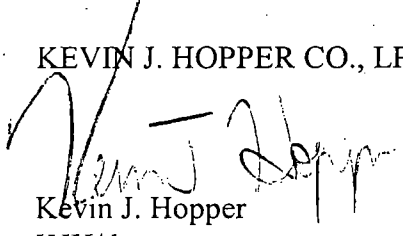
The only asset of J. Rogers Properties, LLC is the subject parcel of real estate, which at the present time has little value due to the alleged contamination.

Neither Mr. Rogers nor J. Rogers Properties, LLC have or had arranged for the disposal, treatment, or transportation for disposal or treatment of waste materials, including hazardous substances, at the site.

I believe that the above is responsive to your request for information. Please feel free to contact me should you have any additional questions or comments.

Very truly yours,

KEVIN J. HOPPER CO., LPA



Kevin J. Hopper

KJH/th

Enclosures

CC: Mrs. Marian K. Rogers
James A. Tomaszewski, Jr., Esq.

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

LINDHORST & DREIDAME

A LEGAL PROFESSIONAL ASSOCIATION

JAMES L. O'CONNELL
JOHN A. GOLDBERG
JAMES M. MOORE
JAY R. LANGENBAHN III
JAMES H. SMITH III
MICHAEL F. LYON
THOMAS E. MARTIN
JAMES F. BROCKMAN
BARRY F. FAGEL III
MICHELLE L. CLEMONS
BRADLEY D. McPEEK
DAVID E. WILLIAMSON

312 WALNUT STREET, SUITE 3100
CINCINNATI, OHIO 45202-4048

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WRITER'S DIRECT DIAL

(513) 345-5773

jat@lindhorstlaw.com

EDWARD ROBERTS III
LAURIE A. McCLUSKEY
JAMES A. TOMASZEWSKI, JR.

AMBROSE H. LINDHORST 1913-1997
ROBERT F. DREIDAME 1914-1978
WILLIAM J. WALSH 1919-1996
LEO J. BRESLIN 1928-2000

(1) ALSO ADMITTED IN KENTUCKY

February 18, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

William D. Messenger, Chief
U.S. Environmental Protection Agency, Region 5
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: 5421 Carthage Avenue Norwood, Ohio 45212
Our File No. 31525/0001

Dear Mr. Messenger:

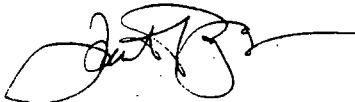
I am in receipt of your correspondence dated February 5, 2009, the request for information pursuant to Section 104 of CERCLA for Rose Exterminator Site at 5421 Carthage Avenue in Norwood, Hamilton County, Ohio.

Your letter requests a response within fourteen days of my receipt of the letter. I am writing to request an extension of thirty days, as I have referred this matter to an environmental law attorney. I have forwarded the information regarding the property to Mr. Kevin J. Hopper, Esq., and have copied him on this correspondence.

Thank you for your time and consideration and please do not hesitate to contact me if you have any questions or concerns.

Yours very truly,

LINDHORST & DREIDAME



James A. Tomaszewski, Jr.

JAT :yri

cc: Kevin J. Hopper, Esq.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

LINDHORST & DREIDAME

A LEGAL PROFESSIONAL ASSOCIATION

JAT 312 Walnut Street, Suite 3100
Cincinnati, Ohio 45202-4048



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William D. Messenger, Chief
U.S. Environmental Protection Agency, Region 5
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago IL 60604-3590

2. Article Number

(Transfer from service label)

7003 2260 0005 9782 8803

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *J. W. Wood*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2-23-09

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

QUIT CLAIM DEED

Tax Map -

12/17/07

CAGIS -

JOHN A. ROGERS JR., Grantor, for valuable consideration paid, does hereby REMISE, RELEASE and FOREVER QUIT CLAIM unto J. ROGERS PROPERTIES, LLC, an Ohio limited liability company, Grantee, its successors and assigns forever, the following described real estate:

Rebecca Press Gruppe
Hamilton County Recorders Office
Doc #: 07-0175781 Type: DE
Filed: 12/17/07 02:09:29 PM \$28.00
Off. Rec.: 10725 01984 F B4 2 587

Auditor's Parcel No.: 651-0002-0242-00

10725 01984 F B4 2 587

Situate in Section 35, Town 4, Fractional Range 2, in the City of Norwood, Hamilton County, Ohio, being part of Lot 48 of Norwood Place Subdivision as recorded in Plat Book 17, Page 1 of the Hamilton County, Ohio Plat Records and being more particularly described as follows:

Beginning at an iron pin found at the southwesterly corner of the aforementioned Lot 48; thence North 12° 04' 00" West along the westerly line of said lot 48, 33.89 feet to an iron pin found at the northwesterly corner thereof; thence North 86° 09' 00" East along the northerly line of said Lot 48, 49.73 feet to a cross notch cut at the northwesterly corner of the lands of John A. Rogers, Trustee as recorded in Official Record Volume 6374, Page 1279 of the Hamilton County, Ohio Deed Records; thence South 3° 51' 00" East along the westerly line of said John A. Rogers, Trustee lands, 23.89 feet to a cross notch cut at the southwesterly corner thereof; thence North 86° 09' 00" East along the southerly line of said John A. Rogers, Trustee lands, 87.41 feet to the southeasterly corner thereof; said corner being in the westerly right-of-way line of Carthage Avenue and being referenced by a cross notch cut at North 86° 09' 00" East, a distance of 4.91 feet; thence South 21° 06' 00" East along said westerly right-of-way line of Carthage Avenue, 9.90 feet to the southeasterly corner of the aforesaid Lot 48, said corner being referenced by a cross notch cut at North 86° 09' 00" East, a distance of 4.91 feet; thence South 86° 09' 00" West along the southerly line of said Lot 48, 135.26 feet to the place of beginning. Containing 0.0555 acre of land, more or less.

Prior Deed Reference: Official Record Book 8300, Page 356
Deed Records of Hamilton County, Ohio

Deed number: 144813
Inst. number: 147871
Transfer date: 12/17/2007
Selling Party: J. Rogers Properties, LLC
Buyer: Rebecca Gruppe
Hamilton County Auditor
Sales amount: 0
Permit fee: 0.00
Transfer fee: 0.50
Conveyance fee: 0.00
Fee total: 0.50

MARIAN K. ROGERS, wife of JOHN A. ROGERS, JR., Grantor, hereby releases all rights of dower therein.

10725 1984

EXECUTED this 9th day of December, 2007.

John A. Rogers, Jr.
JOHN A. ROGERS, JR.

Marian K. Rogers
MARIAN K. ROGERS

STATE OF OHIO

SS:

COUNTY OF HAMILTON

The foregoing instrument ~~was~~ acknowledged before me on this 9 day of December, 2007 by JOHN A. ROGERS, JR., the Grantor herein.



ANTHONY GIGLIOTTI
Notary Public, State of Ohio
My Commission Expires
May 1, 2012

[Signature]
Notary Public

This instrument was prepared by:
James A. Tomaszewski, Jr. Esq.
LINDHORST & DREIDAME CO., L.P.A.
312 Walnut Street, Suite 3100
Cincinnati, Ohio 45202
(513) 421-8630

10725 1985



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
12/05/2007	200733900116	ARTICLES OF ORGANIZATION/DOM. LLC (LCA)	125.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

LINDHORST & DREIDAME CO., L.P.A.
312 WALNUT ST.
SUITE 3100
CINCINNATI, OH 45202

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jennifer Brunner**1743412**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

J. ROGERS PROPERTIES, LLC

and, that said business records show the filing and recording of:

Document(s)

ARTICLES OF ORGANIZATION/DOM. LLC

Document No(s):

200733900116

United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 3rd day of December,
A.D. 2007.

Ohio Secretary of State

From: 513 421 0212 Page: 2/4 Date: 12/3/2007 2:23:54 PM



Prescribed by:

The Ohio Secretary of State
 Central Ohio: (614) 466-3910
 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us
 e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
<input type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 -- Requires an additional fee of \$100 --
<input checked="" type="radio"/> No	PO Box 670 Columbus, OH 43216

**ORGANIZATION / REGISTRATION OF
 LIMITED LIABILITY COMPANY**
 (Domestic or Foreign)
 Filing Fee \$125.00

THE UNDERSIGNED DESIRING TO FILE A:

(CHECK ONLY ONE (1) BOX)

(1) <input checked="" type="checkbox"/> Articles of Organization for Domestic Limited Liability Company (116-LCA) ORC 1705	(2) <input type="checkbox"/> Application for Registration of Foreign Limited Liability Company (106-LFA) ORC 1705 (Date of Formation) _____ (State) _____
---	---

Complete the general information in this section for the box checked above.

Name J. Rogers Properties, LLC

☐ Check here if additional provisions are attached

* If box (1) is checked, name must include one of the following endings: limited liability company, limited, Ltd., L.L.C., LLC.

Complete the information in this section if box (1) is checked.

Effective Date (Optional) _____ Date specified can be no more than 90 days after date of filing. If a date is specified, the date must be a date on or after the date of filing.
 (mm/dd/yyyy)

This limited liability company shall exist for perpetuity
 (Optional) (Period of existence)

Purpose
 (Optional) _____

The address to which interested persons may direct requests for copies of any operating agreement and any bylaws of this limited liability company is

(Optional) Walnut Street Statutory Services, Inc.
 (Name)
312 Walnut Street Suite 3100
 (Street)
Cincinnati OH 45202
 (City) (State) (Zip Code)

NOTE: P.O. Box Addresses are NOT acceptable.

Complete the information in this section if box (1) is checked Cont.

ORIGINAL APPOINTMENT OF AGENT

The undersigned authorized member, manager or representative of

J. Rogers Properties, LLC

(name of limited liability company)

hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by statute to be served upon the limited liability company may be served. The name and address of the agent is:

Walnut Street Statutory Services, Inc.

(Name of Agent)

312 Walnut Street Suite 3100

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

Cincinnati

(City)

Ohio

(State)

45202

(Zip Code)

Must be authenticated by an
authorized representative

Authorized Representative

Date

Authorized Representative

Date

ACCEPTANCE OF APPOINTMENT

The undersigned, named herein as the statutory agent for

J. Rogers Properties, LLC

(name of limited liability company)

hereby acknowledges and accepts the appointment of agent for said limited liability company.

(Agent's signature)

PLEASE SIGN PAGE (3) AND SUBMIT COMPLETED DOCUMENT

From: 513 421 0212 Page: 4/4 Date: 12/3/2007 2:23:55 PM

Complete the information in this section if box (2) is checked.

The address to which interested persons may direct requests for copies of any operating agreement and any bylaws of this limited liability company is

(Name)

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

(City)

(State)

(Zip Code)

The name under which the foreign limited liability company desires to transact business in Ohio is

The limited liability company hereby appoints the following as its agent upon whom process against the limited liability company may be served in the state of Ohio. The name and complete address of the agent is

(Name)

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

(City)

Ohio
(State)

(Zip Code)

The limited liability company irrevocably consents to service of process on the agent listed above as long as the authority of the agent continues, and to service of process upon the OHIO SECRETARY OF STATE if:

- a. the agent cannot be found, or
- b. the limited liability company fails to designate another agent when required to do so, or
- c. the limited liability company's registration to do business in Ohio expires or is cancelled.

REQUIRED

Must be authenticated (signed)
by an authorized representative
(See Instructions)

John A. Rogers Jr. Nov 30, 2007
Authorized Representative Date

(Print Name)

Authorized Representative

Date

(Print Name)

KEVIN J. HOPPER Co., LP

ATTORNEY AT LAW

SOUTHAMPTON SQUARE

7434 JAGER COURT

CINCINNATI, OHIO 45230



7005 1820 0005 3028 0160



UNITED STATES POSTAGE
02 1P
\$ 006.070
0003893747 MAR 20 2009
MAILED FROM ZIP CODE 45230

Ms. Mila V. Bensing
United States Environmental Protection Agency
Region 5
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

*Rec'd in EESS
cc: Mola Hick
Steve Pennington
Joe Molek
3/20/09
MVB*